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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Johnnie G Brock,

Plaintiff,

v.

C.R. Bard, Inc., et al.

Defendants.

Case No. 2:17-cv-03900-DGC

**JOINT MOTION FOR EXTENSION
OF MOTION TO TEMPORARILY
STAY DISCOVERY AND ALL
PRETRIAL DEADLINES**

Plaintiff, Johnnie G Brock, and Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (together, “Bard” or “Defendants”) (collectively, “Parties”), pursuant to Fed. R. Civ. P. 26(c) and (d) and the Court’s inherent powers, respectfully request that this Court extend its December 7, 2020 Order temporarily staying discovery and all pretrial deadlines imposed by the Court, the Local Rules, and the Federal Rules of Civil Procedure in this case by thirty additional days while the Parties work to complete the settlement. In support of this Joint Motion, the Parties state as follows:

1. This case was part of the Multi-District Litigation proceeding *In re Bard IVC Filters Products Liability Litigation*, MDL 2641 (D. Ariz.), pending before this Court, before it was unconsolidated from the MDL and assigned to this Court.

2. On November 23, 2020, the Parties filed a Joint Motion to Stay Discovery and Pretrial Deadlines, informing the Court that the Parties had agreed to a settlement in principle and requesting a 120-day stay to resolve this case and thirty-nine others (twenty-three of which, remain pending in this Court, including this case).

3. On December 7, 2020, the Court granted the Parties Joint Motion to Stay, staying this case until March 23, 2021 to allow the parties to finalize settlement in this matter.

4. The Parties came to an agreement in principle in November 2020 to settle

1 this case and thirty-nine others handled by Plaintiff's counsel. Since that time, the Parties
2 have worked diligently and in good faith to finalize all terms and effectuate the settlement.
3 The Parties exchanged a Master Term Sheet, which has since been fully executed by the
4 Parties.

5 5. In mid-February, after allocations were determined, Plaintiff's counsel sent
6 settlement packets to all clients subject to the settlement in order to obtain their approval
7 and have them sign the necessary paperwork to complete the settlement.

8 6. However, shortly after the FedEx packets went out, Texas (where Plaintiff's
9 counsel resides and where several Plaintiffs reside) was hit by massive winter storms.
10 Many Texans, including Plaintiff's counsel, went without power and/or water for nearly a
11 week. The storms disrupted the entire state for at least a week.

12 7. Once power and internet was restored, Plaintiff's counsel discovered that
13 FedEx was also heavily disrupted throughout the entire country. Hence, many Plaintiffs
14 are only just now receiving their settlement paperwork. Some Plaintiffs still have not yet
15 received it.

16 8. Plaintiff's counsel, along with a team of paralegals, has been diligently
17 working to answer any of Plaintiffs' questions and help guide them through the settlement
18 paperwork, but believes an additional thirty days is necessary to have it completed and
19 returned in each case, so that dismissals can begin.

20 9. Due to the number of cases and the unforeseen circumstances associated with
21 the winter storms, the Parties respectfully request a thirty-day extension for the deadline to
22 dismiss this case.

23 10. Neither party will be prejudiced by this extension and this will prevent
24 unnecessary expenditures of the parties and of judicial resources.

25 11. The Parties agree that the relief sought herein is necessary to handle the case
26 in the most economical fashion and to ensure that the Court's time and resources are not
27 expended on a matter that may not remain on its docket, yet will allow sufficient time to
28

1 finalize settlement in this matter. The relief sought in this Joint Motion is not purely for
2 delay, but so that justice may be done.

3 12. At the end of that 30 days, the Parties will either file a Stipulation of
4 Dismissal or update the Court as to the status of the finalization of the settlement.

5 WHEREFORE, the Parties jointly request that discovery and all pretrial deadlines
6 be stayed for an additional thirty days or until April 23, 2021 to allow the Parties to
7 finalize settlement terms.

8
9 DATED this 10th day of March, 2021.

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11 SHRADER & ASSOCIATES,
12 LLP

NELSON MULLINS RILEY &
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Attorneys for Defendants C. R. Bard, Inc.
and Bard Peripheral Vascular, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2021, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

/s/A. Layne Stackhouse